

## **REMARKS**

Concerning the rejection of the application, applicant notes the Examiner's rejection of Claims 1-3, 6-10 and 13-20 under 35 U.S.C. §103(a) as being unpatentable over Hodgson, et al., U.S. Patent No. 4,758,285, in view of either Sato, U.S. Patent No. 4,983,029 or Nakamura, et al., U.S. Patent No. 6,077,368, as extensively discussed in the Office Action. Furthermore, applicant notes the rejection of Claims 4, 5, 11 and 12 as being unpatentable over Hodgson, et al. in view of either Sato or Nakamura, et al., as set forth hereinabove, further in view of Rossin (Publication No. 2001/0028431), as also detailed in the Office Action.

However, concerning the rejection of the claims in view of the combination of the foregoing references, applicant respectfully takes issue with the Examiner in noting that the claims, as presently on file, are deemed to clearly and patentably distinguish over the art, irrespective as to whether the latter is considered singly or in combination.

Prior to discussing the references of record, for purposes of clarification, applicant respectfully submits a brief synopsis of the present inventive concept, which clearly elucidates the distinctions over the cited prior art.

In particular, the present invention relates to the production of eyeglass or spectacle frames by employing a method of joining a bridge and a temple made of shape memory Ni-Ti alloy to a rim and/or the hinges of the spectacles or frames by employing the shape memory effect of the Ni-Ti alloy. Inasmuch as the Ni-Ti alloy exerts a high reactivity with regard to oxygen and nitrogen, and so forth, the joining method for the spectacle frame components, in

accordance with the present invention, adopts the provision of a pipe or tubular member as an intermediate joining structure between the bridge and the rim. The pipe is imbued with a good weldability characteristic, and is joined to the rim by means of spot welding, through the intermediary of which the joining portion of the bridge and/or temple is deformed so as to be insertable into the pipe, and whereupon the joining or inserted portion of the bridge or temple is fixedly joined to the pipe through the deformed alloy reverting to an original shape thereof after being inserted into the pipe. This method, as uniquely applied by the invention, cannot be employed in joining a wire of a non-shape memory metal to a pipe, since the present invention, to the contrary, uses the shape memory effect of the alloy, unlike the current technology.

The prior art, as described in the various publications, is clearly inapplicable to the invention, for the reasons as follows:

Hodgson, et al., U.S. Patent No. 4,758,285, essentially relates to a method of resetting a shape-memory alloy, wherein the method is distinguished in that the shape memory alloy, which is deformed into a customized configuration, is confined or restrained in the customized deformed shape such that upon a heating of the alloy, the latter does not return to its original shape, and in which a sufficient amount of heat is applied to the alloy so as to reform the austenitic state of the alloy in the desired customized shape thereof.

Sato and Nakamura, et al. each only relate to alloys of specific compositions, i.e., such as Ni-Ti-V or Ni-Ti, which are used for eyeglass frame and fabrication method thereof, but do not disclose a method analogous to the present invention in connecting bridges and/or temples

to an eyeglass frame or spectacle employing the shape memory effect of the alloy. This entails the use of a pipe or hollow tube as an intermediate element in joining the components.

Accordingly, neither Hodgson, et al. nor Sato, nor Nakamura, et al. whether applied singly or in combination, are deemed to anticipate or render obvious the present inventive concept as claimed, and the currently pending claims are deemed to be directed to clearly allowable and patentable subject matter in defining the invention.

With regard to the Rossin and Krumme patent publications, applicant respectfully submits that, again, there are clear distinctions relative thereto, which render the present claims patentably distinct over this art, as follows:

Rossin and Krumme basically disclose a similar subject matter; in effect, joining methods, as does the present invention. However, Rossin uses a bushing but not a pipe in joining a Ni-Ti temple to an ear end of the frame, whereas Krumme forms a lug on a lens in order to join a Ni-Ti bridge to the eyeglass frame. These prior art methods do not employ a pipe as an intermediate joining structure between the frame and the other parts of the eyeglass frame or spectacle, such as the temple and bridge. Accordingly, it is quite evident that the joining mechanisms employed according to the methods of these cited references are entirely different and distinct from that of the present invention, the latter of which inventively employs the shape memory effect of the shape memory alloy.

Even combining the publications of Hodgson, et al., Sato, and Nakamura, et al., which have been applied to Claims 1-3, 6-10 and 13-20, with the prior art as applied to the remaining claims, i.e., Claims 4, 5, 11 and 12, the latter claims are also deemed to clearly and

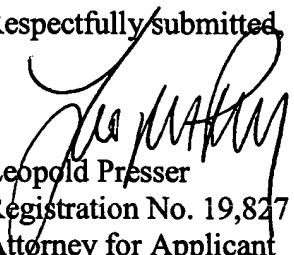
patentably distinguish over the combined prior art, and are not considered to be in need of any amendments or restrictions in their present scope.

Finally, pursuant to the Examiner's requirements, applicant encloses a new or substitute Declaration and Power of Attorney in order to replace the somewhat illegible copy thereof, which was filed with the present application on January 15, 2002.

In view of the foregoing comments and the enclosed new Declaration and Power of Attorney, applicant respectfully submits that all of the requirements needed to place the present application into condition for allowance have been fully met, and the early issuance of the Notice of Allowance by the Examiner is earnestly solicited.

However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicant's attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,



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Enclosure: New Declaration and Power of Attorney